

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 5. Emission Data, Sampling, and Credentials for Entry**

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### **Article 2. Source Testing**

#### **§ 91207. Approval of Independent Testers.**

(a) Independent testers may be approved for performing any of the tests listed in Section 91201 of this subchapter or such other tests as deemed appropriate by the Executive Officer to determine compliance of a source with applicable laws and rules. Such approval can be accomplished by a potential tester's writing the Executive Officer and specifying the test(s) for which approval is sought. The potential tester shall then provide any necessary data requested by the Executive Officer which can substantiate the potential tester's qualifications for performing the noted test(s).

(b) Approval of an independent tester may be withdrawn at any time if the approved tester fails to comply with the requirements specified in Sections 91215-91218 of this subchapter or fails to provide the type and quality of data required by the Executive Officer.

(c) Upon disapproval or withdrawal of approval of an independent tester, the Executive Officer shall send by certified mail a written statement of the reasons for such action to the independent tester, and to any responsible party requesting or using such tester.

(d) An independent tester may request reconsideration of the decision of the Executive Officer to disapprove or withdraw approval of such tester. The request must be received by the Executive Officer within 30 days after mailing the written statement described in subsection (c), and shall contain all evidence the independent tester asserts justifies reconsideration. The Executive Officer may rescind the disapproval or withdrawal if he or she determines that the independent tester satisfies the applicable requirements of this subchapter. A written statement of the reasons for the Executive Officer's decision shall be transmitted in accordance with subsection (c) of this section.

NOTE: Authority cited: Sections 39600, 39601 and 41512, Health and Safety Code. Reference: Sections 41510, 41511 and 41512, Health and Safety Code.

#### **REFERENCE**